

SENATE BILL 2544

By Massey

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 4; Title 39, Chapter 15, Part 4 and Title 57, Chapter 3, relative to prohibiting certain persons from entering or remaining on the premise of any establishment selling for off-premise consumption intoxicating liquors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 3, Part 4, is amended by adding the following as a new, appropriately designated section thereto:

57-3-4__.

(a) It is an offense for any person who is under twenty-one (21) years of age to enter any establishment selling for off-premise consumption intoxicating liquors as defined in § 57-2-101(a), unless such person is accompanied by a parent, legal guardian or spouse who is twenty-one (21) years of age or older.

(b)

(1) A violation of subsection (a) is a Class C misdemeanor for the first offense punishable by a fifty dollar (\$50.00) fine only.

(2)

(A) A second or subsequent violation of subsection (a) is a Class A misdemeanor punishable by a fine only of two hundred dollars (\$200).

(B) In addition to any criminal penalty established by subdivision (b)(2)(A), a court in which a person younger than twenty-one (21) years of age but sixteen (16) years of age or older is convicted under subsection (a) of a second or subsequent offense shall prepare and send to the department of safety, driver control division, within five (5) working days

of the conviction, an order of denial of driving privileges for the offender for a period not to exceed one (1) year. The offender may apply to the court for a restricted driver license. The judge shall order the issuance of a restricted motor vehicle operator's license, in accordance with § 55-50-502. The court and the department shall follow the same procedures and utilize the same costs for a person younger than twenty-one (21) years of age but sixteen (16) years of age or older as provided in title 55, chapter 10, part 7, for offenders younger than eighteen (18) years of age but thirteen (13) years of age or older. In the event an offender does not possess a valid driver license, the court having jurisdiction over the offender may, in its discretion, sentence the offender to a maximum of one hundred (100) hours of community service work.

(c) It is an offense for any person twenty-one (21) years of age or older to enter any establishment selling for off-premise consumption intoxicating liquors as defined in § 57-2-101(a), accompanied by a person who is under twenty-one (21) years of age unless that person is the parent, legal guardian or spouse of the person who is under twenty-one (21) years of age.

(d)

(1) A violation of subsection (c) is a Class C misdemeanor for the first offense punishable by a fifty dollar (\$50.00) fine only.

(2)

(A) A second or subsequent violation of subsection (c) is a Class A misdemeanor punishable by a fine only of two hundred dollars (\$200).

(B) In addition to any criminal penalty established by subdivision (d)(2)(A), a court in which a person is convicted under subsection (c) of a

second or subsequent offense shall prepare and send to the department of safety, driver control division, within five (5) working days of the conviction, an order of denial of driving privileges for the offender for a period not to exceed one (1) year. The offender may apply to the court for a restricted driver license. The judge shall order the issuance of a restricted motor vehicle operator's license, in accordance with § 55-50-502. In the event an offender does not possess a valid driver license, the court having jurisdiction over the offender may, in its discretion, sentence the offender to a maximum of one hundred (100) hours of community service work.

(e) It is an offense for any person who is visibly intoxicated to enter any establishment selling for off-premise consumption intoxicating liquors as defined in § 57-2-101(a).

(f)

(1) A violation of subsection (e) is a Class C misdemeanor for the first offense punishable by a fifty dollar (\$50.00) fine only.

(2)

(A) A second or subsequent violation of subsection (e) is a Class A misdemeanor punishable by a fine only of two hundred dollars (\$200).

(B) In addition to any criminal penalty established by subdivision (f)(2)(A), a court in which a person is convicted under subsection (e) of a second or subsequent offense shall prepare and send to the department of safety, driver control division, within five (5) working days of the conviction, an order of denial of driving privileges for the offender for a period not to exceed one (1) year. The offender may apply to the court for

a restricted driver license. The judge shall order the issuance of a restricted motor vehicle operator's license, in accordance with § 55-50-502. In the event an offender does not possess a valid driver license, the court having jurisdiction over the offender may, in its discretion, sentence the offender to a maximum of one hundred (100) hours of community service work.

(g)

(1) Beginning October 1, 2012, each retailer shall post, at the public entrance to any establishment selling for off-premise consumption intoxicating liquors as defined in § 57-2-101(a), the following or substantially similar language: "IT IS AN OFFENSE FOR A PERSON UNDER THE AGE OF 21 TO ENTER THE PREMISES UNLESS ACCOMPANIED BY SUCH PERSON'S PARENT, LEGAL GUARDIAN OR SPOUSE THAT IS AGE 21 OR OLDER. IT IS AN OFFENSE FOR A PERSON AGE 21 OR OLDER TO ACCOMPANY A PERSON UNDER THE AGE OF 21 ON THE PREMISES UNLESS THAT PERSON IS THE PARENT, LEGAL GUARDIAN OR SPOUSE OF THE PERSON UNDER THE AGE OF 21."

(2) Beginning October 1, 2012, each retailer shall post, at the public entrance to any establishment selling for off-premise consumption intoxicating liquors as defined in § 57-2-101(a), the following or substantially similar language: "IT IS AN OFFENSE FOR A VISIBLY INTOXICATED PERSON TO ENTER THE PREMISES."

(3) The language required to be posted pursuant to this subsection (g) shall be of a size that is plainly visible to the average person prior to entering any

establishment selling for off-premise consumption intoxicating liquors as defined in § 57-2-101(a).

(4) Failure to post the language required under this subsection (g) shall not subject the retailer to a criminal offense or civil fine from the alcohol beverage commission nor shall it prevent the criminal prosecution of any offense created by this section.

(h) It is a violation of § 39-14-405 for a person who violates subsection (a), (c) or (e) to remain on the property, including the parking lot, outside any establishment selling for off-premise consumption intoxicating liquors as defined in § 57-2-101(a), after being told by the owner, agent or employee of the establishment to leave such property, if the property is owned by the same person who owns the establishment selling for off-premise consumption intoxicating liquors as defined in § 57-2-101(a).

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring